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FISCAL IMPACT STATEMENT

LS 6991

BILL NUMBER: SB 564

NOTE PREPARED: Dec 29, 2010

BILL AMENDED:

SUBJECT: Domestic Violence.

FIRST AUTHOR: Sen. Becker

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that a county domestic violence fatality review team shall review cases in which a person who committed suicide was a victim of an act of domestic violence. The bill permits a court to require a noncustodial parent who has been convicted of certain crimes of domestic violence to require the parent to attend a batterer's intervention program certified by the Indiana Coalition Against Domestic Violence as a condition of receiving unsupervised visitation time.

The bill adds additional crimes to the definition of a "crime involving domestic or family violence", and makes a person convicted of a Class D felony that is a crime involving domestic or family violence ineligible for alternative misdemeanor sentencing. The bill also requires a batterer's intervention program to which a court may order a person to attend be certified by the Indiana Coalition Against Domestic Violence.

Effective Date: July 1, 2011.

Explanation of State Expenditures: This bill adds the following offenses to the definition of "crimes involving domestic or family violence": strangulation, pointing a firearm, residential entry, criminal recklessness, interference with the reporting of a crime, and crimes of domestic violence. The bill also adds that Class D felony crimes involving domestic or family violence are ineligible for reduction to a Class A misdemeanor. The addition of these offenses to the definition will increase the number of Class D felonies in the state.

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. However, any

additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: This bill will increase the workload of county domestic violence fatality review teams to review cases in which a person who committed suicide was a victim of domestic abuse. Currently, there is no information available to determine the number of suicide deaths where the deceased was a victim of domestic violence. For this reason, it is not known how this bill will impact the workload of county domestic violence fatality review teams.

Penalty Provision: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies, county domestic violence fatality review teams.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.